App. F. IX-4

Previous References

Mu 3 459-22-10-15
" " 1-9 & 16-23
" 175-26 — 1-2.

Letter References

1927-28
(Mu 3)

File No. 180-27

Serial Nos. 1 to 1-9

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. nil

Part B for January 1938.

SUBJECT.

Recovery of costs from one Sivapuje Woder as Accountant in the matter of a Case relating to the Joint Village of Kempalingapura — Devanhalli TK — awarded to Munasunnaramchalli Mutt. Bangalore District

Filed after perusal of Stamps that are being taken in regard to Recovery of Court Costs from one Lingappa, Brother for Sivapuje Vadeyar, in the Case referred to therein. (Vide M.S letter No 1-9 Dy 4-10-34

WD 0295—GPB—22,500—13-8-37

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D.692

Mur 180-27-1

J

Letter no. 393 dy 30.11.27
from the Govt Advocate.

In S.O no 131 3 dy 26/7/25,
The M c's recommendation
to engage the services
of the Govt Adv to defend
the appeal filed by one
Sinabaje Waderu in the
civil court in the matter
of the jodi village of
Kempalingapura in
the Devanahalli Taluk
endorsed to Hon Somasun-
khalli mato, ma &
sanctioned.

The Govt Adv states
that the above
appeal ma & dismissed
with Costs. and has

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

Mer 7ile 180 of 27

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Sent for perusal, a copy of the judgt passed by the Chairman

Submitted

AV 10.12.27

The appeal of Swaminatha Mudaliar has been dismissed with costs. The Govt advocate may be asked to state what action has been taken to recover the costs from the appellant.

10.12.27

Secd Member

What was the costs allowed in accounting for this case &

14/12

OFFICE OF THE SECRETARY TO GOVERNMENT
14 DEC. 1927
No. 3299

9089

AV 16/12

16/12

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

General and Revenue Secretariat. File No. 180 of 1927-28

(D 203.6925 773) Rec 2

Serial No. 9

W.D. Submr for appl. as directed
to Sivaprije Vadeis suit has
filed in forma pauperis. In
his letter of March 1924, the
G.A. states that the Chief
Court had passed an order
directing the apet to furnish
security for costs.
The G.A. has sent a
bill for Rs 300/- being his
remuneration for services rendered
and requests sanction of Govt.
Submr
AV
16.12.27.
V Draft putup wh Govt's Advocate as desired above.
The Govt Advocate's bill for Rs 300 has been
countersigned by the Judge of the Chief
Court & may be passed, the charge being
met from the source pointed out by
the Hon Chief originally (in para 2 of his
letter No. 492 of 23-24 of 3.7.25).
JA
16/12/27
13 Docket
+ put up Draft
14 bill
Mr
21/12

2. To the Govt Advocate
Letter no. 1050 of 23.12.27

NOTE—Contn. sheet.

General and Revenue Secretariat. Mem. File No. 180 of 1927

Serial No.

Enquires what the cost to Govt on account of this case is, and what action has been taken to recover the cost from the apltts.

3. From, the Govt Advocate, Letter no. 439 dt 12.12.27
Submits a Bill for ~~Rs~~ 300/- being his remuneration for professional Services.
15 A Off. G.O. Sanctioning the Bill to Submit as directed.

AV 5.1.28 Sd 5.1.28

Amended draft put up in accordance with the Remarks below (x)

What about some steps meeting cost? You might one's address last page & enter another in the draft MW 7/1

OR

Put up

Sd 8/1/28

The Govt's attention may be invited to Letter 2 and his reply thereto awaited

9/1/28

The may be given as an advance pending the decision as to the recovery of the costs from the appellant who has deposited the ~~money~~ Rs? amt

9810 9/1/28

WD. Submitted
AV 9.1.28.

Issued Sd

4 To. Govt Advocate
No 1117 dt 11.1.28
Invites ref to 3 & 2 above & calls for ref Rs thereon

NOTE—Contn. sheet.

General and Revenue Secretariat. | Mus. File No 180 of 1927-

Serial No.

From, The Mus Comr.
memo no C.492 dy 30.12.27.
Forwards Copy of his letter to The Public Prosecutor, Bangalore requesting him to take necessary further action in the matter of recovery of costs due to Govt, and The amount remitted to The M.C.S Office for adjustment.

The G.A's Bill for Rs 300/- being his remuneration for professional Services, has to be paid.
Submitted for perusal.

My G.A's reply & this Office 13/1/28. letter 1117/Mus 180-27 dy 11.1.28 will be awaited.

BA 13-1-28

Sup 6/1 From, the Govt Advocate.
Letter no. 779 dy 18.4.28
States that his Bill for Rs 300 on account of the Fee allowed by The chief court in the above case, is pending and the P.P. may be instructed to take further action for the

NOTE.—Contn sheet

General and Revenue Secretariat. Inwards File No. 130 of 192

Serial No.	
	Recovery of the costs-
	The D.C. has already instructed The P.P. to do the needful in the matter.
	D/2. 1 A.C. is submitted. AV 30.4.28.
	88/1.5.28
	DM MD 7/5 7/5
7.	To our Counsel No 2008 & 7-5-28
	forwards copy of the Govt Advocate's letter & requests him to intimate how the question of recovery of costs now stands.
	No 2009 & 7-5 & copy to Govt. Advocate.
8.	From, the D.C. Letter no 492 & 16.5.28.
	Reports that an Ex. petition for the recovery of a sum of ~~Rs 338.30~~ has been sent to P.P. for taking further action, and requests that an advance of Rs 10/- may be paid from the provisions under 18 Cons. of Law & meet the incidental charges, subject to adjustment in due course.
	D/- G.O. Sanctioning the advance, is submitted AV

NOTE—Contn. sheet.

WD 0324—APB—60,000—24 b-27

5369/29

App. F. III—2]

General and Revenue Secretariat | File No. | of 192

Serial No.

Nor Bar) In Concurrence
21/5

This is a charge to be met out of the budget grants of the Dept concerned. Vide Rule 130 of the Legal Affairs Rules. The budget provision mentioned in the draft has already been fully spent & transferred & there is a large amount of expenditure awaiting adjustment. No further charges can be debited to it.

Mun Bar.) 21/5

W. Q.O added & and re-submitted for appl, with the suggestion that the advance may be given from AC 22/5/29. Genl Mun. Fund subject to adjustments in the course

22/5 Hughes) 23/5

1st Member) 23/5

7360

7696-
26 6-

Mun 25/5/29

Note—Contn Sheet

WD 01684—GPB—30,000—20 4-29

Serial No.	
9	To. The Hon'ble Court C.O. [illegible] C/O 1723-C. [illegible] Sanctions with the [illegible] [illegible] for [illegible] subject to [illegible] Courses & Hours [illegible] [illegible]

WD 01684—GPB—30,000—20-4-29

M. C. 13]

No 492/23-4 vol 2 with D No 576/31

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 22nd 193

FROM S. Hiriannaiya, Esq., M.A., B.L.,
~~S. P. RANGOPALACHARI, Esq., B.A., B.L.~~
Muzrai Commissioner in Mysore.

To
Rajasevaparayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to Government of His Highness
the Maharaja of Mysore,
Financial *Department.*

SIR,

Adverting to Government Order No.2783-4/Muz.130-37-8 dated 1st June 1929, sanctioning a sum of Rs.10/- from the General Muzrai Funds to the Public Prosecutor, Bangalore Division, to meet the incidental expenses in the execution proceedings relating to the recovery of court costs from Sivapujawodeyar and another, I have the honor to state that the Public Prosecutor has applied for a further advance of Rs.7/- to meet the further expenses in the case and has also furnished a detailed account of the expenses hitherto incurred. I request that sanction of Government may be obtained to advance a further sum of Rs.7/- to the Public Prosecutor out of the General Muzrai Funds subject to adjustment in due course.

2. A copy of Public Prosecutor's letter and its enclosure are also submitted for reference.

I have the honor to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

-2-

TYPING SECTION
30. NOV. 1931
GENL. & REVISECTT.

Enclosed with a draft for consideration
27/11/31. H. Secy)
27.11.31

Issue
30.11.31

Attached G.O.No 7755-79 dated 1.12.31

Please record this
9/12/31. Kapali Sastri
for Private Secretary

Letter No.328/31-32 dated 16th November 1931 from the Public Prosecutor, Bangalore to the Muzrai Commissioner in Mysore.

Re: Recovery of court costs from Shivapuja Uadayer and another.

I have the honor to state that court notices were taken several times and they were not served on Shivapuja Uadayer as he is evading the service of notice. I have taken the order of the court for serving the court notice on him by substituted service. I have to file an application and affidavit in court. I request you to advance me Rs.7/ (Rupees seven only) to meet further expenses. I have enclosed herewith the details of expenses so far incurred. ~~The case is posted to 20-11-31.~~ The case is posted to 20-11-31 for filing the application and affidavit and paying necessary process for the arrest of Lingappa who stood as surety for Shivapuja Uadayer.

"C o p y"

For Muzrai Commissioner.

The details of receipt and expenditure in
L.S. 3/29-30 on the file of the Sub-Judge, Gampola
(Execution against Sivapuja Vadayar and another)

25-6-29.	Received	10-0-0.	
2-7-29	Cost of obtaining the order of the District Court		0-11-0
5-7-29	Stamp on Execution petition		0-12-0
	Stamp on decree copy of the High Court		4-0-0
	Contingencies		0-8-0
22-8-29	Notice (two persons)		1-4-0
4.12.29	Fresh notice		0-10-0
12.6.30	Fresh notice		0-10-0
12.2.31	Fresh notice		0-10-0
4.6.31	Fresh notice		0-10-0
	Total	10-00	9-11-0
	Balance	0-5-0	

S. Dornwamy
Public Prosecutor
Gampola

M. C. 131 Immediate

No. C492-23-24

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE.

GEN. & REV. SEC. 1107 31 MAR 1932

Bangalore, 28th March 1932.

FROM

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

31/3/32

To

Rajasevaparayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to Government of His Highness
the Maharaja of Mysore,
Financial
Department.

SIR,

Referring to correspondence ending with G.O.No.775-7/Muz.130-37 dated 1st December 1931 re recovery of court costs from Sivapuje Wadeyar and another (O.S.No.77 of 1918-19 on the file of the Sub Court at Bangalore and R.A.No.155 of 1923-24 in the Chief Court of Mysore), I have the honor to forward herewith copy of letter No.733/31-32 dated 24th March 1932 from the Public Prosecutor, Bangalore, stating, among other matters, that Lingappa, Surety of Sivapuje Wadeyar has been committed to Civil Jail for a period of 6 months and requesting that subsistence allowance at Rs.12/- a month for such period as is thought necessary to keep him in the Jail may be sent. As it is reported that Sivapuje Wadeyar is dead and as there seems to be no likelihood of recouping the amounts that have been advanced so far and as there is no source from which the subsistence allowance may be paid, I am of opinion that Lingappa may be released from the Jail custody after the expiry of the period for which the subsistence allowance has been deposited by the Public Prosecutor.

2. The Deputy Commissioner of the Bangalore District will be requested to furnish after due enquiry the information required by the Public Prosecutor in para 2 of his letter and to ascertain definitely whether the allegation that Sivapuje Wadeyar is dead is true or not. As the surety of Lingappa seems to have been accepted by the court on strength of the report said to have been made by the Amildar of the Anekal Taluk to the effect that he was a solvent person, the Deputy Commissioner will be further requested to investigate, after obtaining a

4556/34
P 834

a copy of the surety Bond executed in favour of the court, the circumstances under which such a report was made by the Amildar and whether Lingappa owns any property which may be attached. A report in the matter will be --- submitted in due course for the orders of Government.

I have the honor to be,

Sir,

Your most obedient servant,

J. Najaraon

Huzrai Commissioner.

-3-

Copies to DPs. issued for words. Direct action immediately with the sanction is solicited as and the surety is released the proceedings which have been dragging on for a no-years will be stopped further pushed.

The Opinion of the H.C. contained in the concluding lines of the first para of his letter supra may be Accepted and he may be requested to take action.

The further report promised in para 2 will be awaited.

Fin. Secy) 1/4/32

7875/34

To Prohibition branch for remarks 4/4/32 1/4

If the Surety is not disposed of fulfilling his Obligations even if he is detained in jail for one month, for which period the DP has already deprived the Subsistence allowance, ~~there~~ it is highly improbable that any further detention would induce him to make the payment — The H. Comr's recommendation may therefore be accepted — He has however to take early action to get an attachment of the Surety's properties, if any — Fin. Secy MC 4/4/

274 Law.

7394/34

Public Works Secretariat | 7 Mcg 3 File No. | of 193

Serial No.

A. I agree

1st Member

4/4/32

5/4/32

Mcg 7/4/32

Asst Secy 7/4/32

Offr Asst

Gns 7/4

7/4/32

Letter No. 1426/Reg dy 5.4.32 to the Hon. C. Assam

Gns 9/4/32

Letter No.733/31-32 dated 24th March 1932 from the Public Prosecutor, Bangalore to the Muzrai Commissioner in Mysore

---

Ex 3/29-30 on the file of the Sub Judge, Bangalore, Recovery of court costs from Sivapuja Wadayer and another.

I have the honor to state that Linga who stood surety for Shivapuja Wadayer has been arrested and committed to the Civil Jail for a period of 6 months as he failed to pay up the surety amount. A sum of Rs.12/- every month will have to be deposited in court on the subsistance of this debtor. I have deposited the amount for this month. Please send me such amount at the rate of Rs.12/- for every month as would keep him in Jail for such period as you desire it to be kept in the Jail (not exceeding 6 months.)

I was told that Shivapuja Wadayer is no more and I request that enquiries may be made to verify this report and to find out his where abouts if it is not true; if he is dead, his legal representatives and any properties in their possession may be ascertained and information sent to me, so as to enable me to take further proceedings. Any properties in possession of Lingappa may also be ascertained and intimated to this office immediately so as to enable me to attach the same. The address of Sivapuja Wadayer as given in the plaint plaint is as follows:- Sivapja Wadayer, son of Chennabasappa Wadayer Narasandra, Kudur Hobli, Nagadi Taluk.

"C o p y"

For Muzrai Commissioner.

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE

No. C 492/23-24
2nd

Dated, Bangalore, 25- 193

GEN. & REV. SECRETARIAT
27. MAY 1932
FROM
MUZRAI.

From

The Muzrai Commissioner in Mysore,
Bangalore

To

Sir,

GENL. & REV. SECRETARIAT
1403
27. MAY 1932
MUZRAI.

C 492/23-24
dt 25-5-1932

The receipt of the petition
report is awaited.
may be placed in Committee file.
Mr Venkatesh

Srinivasaraja

Mrs

Gs
30/5/32

Jr. Secy)

31/5/32
W 31/5

Gs

SECRETARIAT 539 12 NOV. 1932 MYSORE

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

No. 492 Encl 2
23-24

Dated, Bangalore, ... 193

FROM S. Ariyamuiya, Esq., I.A.S., B.L.,
~~XXXX~~*Muzrai Commissioner in Mysore,*
Bangalore.

8/11/32

To S. Shamanna, Esquire., B.A.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Financial Department.

SIR,

With reference to your D.O. reminder No.549 Muz. dated 7th October 1932 re recovery of court costs from one Siva uja Yodeyar and Linga ppa, I have the honor to forward herewith for information copies of Bangalore Public Prosecutor's letter No.548 dated 27th October 1932 and this office letter dated 10th November 1932 addressed to him and to state that a further report will be submitted on receipt of the Public Prosecutor's reply.

On receipt of a further report
copies of above may be submitted

GS 12/11

14/11/32

I have the honor to be,

Sir,

Your most obedient servant,

MUZRAI COMMISSIONER.

ms

16/11

—GPB—

19[illegible].

From

The [illegible]

To

The [illegible]

Dated 30th [illegible].

Despatched

Received

General No. ——
No.

Enclosure No.

Subject:- [illegible] of the Sub Court [illegible] recovery of court costs [illegible] Sivaraja Modliar and another.

Sir,

I have [illegible] letter No.540 dated 27th [illegible] 1932 [illegible] stating that [illegible] worth Rs.14/- [illegible] surety [illegible]

I have the honor to enquire why no action has been taken in regard to the immovable properties belonging to ----- Linyapoa as requested in this office letter No.C.402/25- dated 25th May 1932.

I have the hon r to be,

Sir,

Your most obedient servant,

(Sd.) M. Navaneetham Naidu,

for Muzrai Commissioner

-3-

"Copy"

M. Navaneetham

For Muzrai Commissioner.

No. 492-Eva 1
23-24

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,
Bangalore, ... 1st ... Sept ... 193
18

5 SEP 1933

FROM Madhava Rau, Esq., ..., ...,
S. HIRIANNAIYA, ESQ., M.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

No. 2119

To A. V. Raghavachar, Esq., ...,
Secretary to the Government of His Highness
the Maharaja of Mysore,
Finance and Revenue ... *Department.*

SIR,

Subject:- Recovery of certain court costs ... one Siva-
puja Todevar and another.

With reference to correspondence ending with your letter No.1426/Muz. dated 9-3-32 on the above subject, I have the honor to forward herewith for information copy of Bangalore Division Public Prosecutor's letter No.174/33-34 dated 4-9-33 stating that the surety Lingappa has filed an application pleading that he has not stood as a surety for Sivapuja Todeyar and that the case is posted to 13-10-33 for evidence. The

Letter No.174/33-34 dated 6-9-33 from the Sub Collector, Tenali Division, to the Tuzral Commissioner in Vizag.

Ex.No.3/28-30 on the file of the Sub Judge, Tenali.

With reference to your letter No.T.10/28-34 dated the 31st of I have the honor to state that Thangappa Chettiar filed an application to set aside the dismissal order of an application already disposed of and has not stood as a surety for Chavali Odeyar to [illegible] to be recovered. The case is posted now exparte to 13-10-33 [illegible]

"C O P Y"

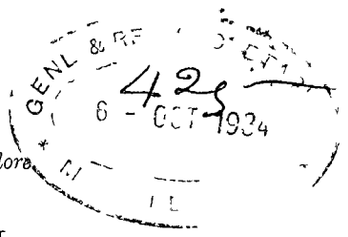
for Tuzral Commissioner.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,...3rd..October:.....1934

FROM

N. MADHAVA RAU, ESQ, B.A, B.L,
Muzrai Commissioner in Mysore,
Bangalore.



TO

R. Ranga Rao, Esq., B.A., B.L.,

Chief Secretary to the Government of His Highness
the Maharaja of Mysore,

.....Bangalore.... ~~Bangalore~~

SIR,

Ex.No.3/29-30 on the file of the Sub Judge, Bangalore - Recovery of court costs from Sivapuja Wodeyar.

In continuation of this office letter No.C.492/23-24 dated 18-9-1934 on the above subject, I have the honor to forward herewith copy of Public Prosecutor's letter No.354/34-35 dated 24-9-1934 stating that the case has been posted to 13-12-1934 for sale of moveables attached and to 21-12-1934 for hearing.

I have the honor to be,
Sir,
Your most obedient servant,

For Muzrai Commissioner.

Letter No.354/34-35 dated 24-9-34 from the Public Prosecutor Ba
Division, Bangalore, to the Muzrai Commissioner in Mysore.

Re: Ex.No.3/29-30 on the file of the Subordinate Judge, Bangalore
Recovery of the court costs from Sivapuja Wodeyar.

With reference to your letter No.492/23-24 dated 15/18-9-1934 re: t
above subject, I have the honor to state that the sale was not conducted
want of bidders and the case has been posted to 13-12-34 for sale of the m
ables attached and to 21-12-34 for hearing.

"Copy"

For Muzrai Commissioner.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Action has been taken to recover the Sum due by one Linga Abba, Smith for one Linga Abba, Weaver as to the Jaffna result that Linga Abba's Jaffna address in a Civil Court & this was dismissed by the Sub-judge of Point Pedro & the High Court of Appeal has declined to interfere & both the decision of the Lower Courts in favour of the Action is being taken to recover all costs from Linga Abba

N.B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

GS 24/6/35

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Sivaprija — Wadeyar's case.

Re: recovery of costs due from one Lingappa Smelly for Sivaprija Wadeyar

vide D.No. 1008 — referred to Proc. Br. on 15/3/35.

Agent D. No. 1386 dated 1409 — returned to Law — Law on 27.6.35.

Law Sec. Proc. Br. to state whether all the costs due in the above case have been recovered. The state at which the matter stands now. Law Sec. to see.

GS 25/8/35

The Execution Case (3/29-30) instituted in the Sub-Court, B'lore, for recovery of the cost due from the party is still pending as Verified from the Quarterly Rebr Subd. for perusal before for this to the Mysore Branch.

BKR 27/10/35

28/10 Mysore Br.) 28/10

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

App. F. XI—2]

REGISTER OF "SUSPEND B CASES OF THE..... ....

2649/37

S. III—3] **Routine Notes.**

[To be used only for notes, requisitions, &c., not intended for permanent record.]

Returned to Law Secy with the connected Govt papers pertaining to the recovery of costs in Sarangapani Vadeyars Case, with a request that the final disposal in the case may be noted & this official papers returned when no longer required—

GS 1.11.37
30/10 (Law Secy)

Submitted.

BKR 1.11.37

1. These papers are not at all required for reference. They will be returned to the Huzr Branch with the intimation that the result of the Execution case in question will be intimated as soon as ~~a report~~ is received in the matter

Submitted for perusal & orders

Yes

1/11 (Huzrai Branch)

BKR 1.11

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

App F. XI—21

REGISTER OF "SUSPEND B" CASES OF THE ..... BRANCH

WD 1855—GPB—30 000- 15 7 25

Register No	Date of receipt	File and Serial No.	Brief subject of the file	The date on which it is to be re submitted	The authority ordering it	Date when such order has been carried out	Remarks
1	2	3	4	5		7	8

Routine Notes.

[To be used only for notes, requisitions &c not intended for permanent record]

JJ appd, This will be dealt with as before & the acceptance of further information will be dealt with by the Secretariat.

S. 27/1/38. JJ 27/1.

This is a question that has been hanging fire for over 10 years. JJ appd This will be referred to Law Secretariat for drawing up of the Court Orders from S. Ua Roje Wadeyar have been received & whether these papers may now be closed submitted with reference to paras 2, 4 and 5 of the notes.

28.1.38 JJ 28/1/38

28/1/38

29/1

GENL. & REV. SECRET. DEPT.
29 JAN. 1938

N.B.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form

App F. XI—21

REGISTER OF "SUSPEND B" CASES OF THE ..... BRANCH

WD 1856—GPB—30 000—15 7 25

Register No.	Date of receipt	File and Serial No.	Brief subject of the file	The date on which it is to be re submitted	The authority ordering it	Date when such order has been carried out	Remarks
1	2	3	4	5		7	8

In reply please refer to
No 398
Tel Address —
"JURIST" Bangalore

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore 29th November .....1927.

FROM

K. SHANKARANARAYANA RAO, Esq, M.A, B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

FINANCIAL SECRETARY
30 NOV. 1927
No 8269

To

The Secretary to the Government
of H. H. The Maharaja of Mysore,
Financial Department, BANGALORE.

SIR,

With reference to Government Order No.131-3/Miz.459-22-23 dated the 28th July 1925, I have the honor to state that Regular Appeal No.155 of 1923-24 on the file of the Chief Court of Mysore, (Sivapooje Wadeyar VS. The Government of Mysore) came on for final disposal on the 22nd October 1927 and Judgment was pronounced dismissing the appeal with costs.

2. A copy of the Judgment passed by the Chief Court is forwarded herewith for the information of Government.

I have the honor tobe,
Sir,
Your most obedient servant,

K Shankaranarayana Rao

GOVERNMENT ADVOCATE.

CSN/1.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Saturday, the 22nd day of October, 1927.

P r e s e n t

Mr. Justice D. K. Rama Rao,

and

Mr. Justice G. Sreenivasa Iyer.

Regular Appeal No. 155/1923-24.

Sivapooje Wodeyar .... Plaintiff .... Appellant.

-vs-

1. Government of Mysore, by the Chief Secretary.
2. The Hunsamaranahalli Mutt, by Agent Thontaradhya.

) Defendants 1 and 2. .... Respondents.

Regular Appeal against the decree of the Subordinate Judge of Bangalore, in Original Suit No; 77 of 1918-19.

This Regular Appeal coming on for final hearing on Tuesday the 27th day of September 1927, the court passed the following:

J U D G M E N T.

The Plaintiff filed this suit for possession after partition of half of the Jodi village of Kempalingapura in Devanahalli Taluk, and for Rs.1,500/- damages caused by the cutting of certain trees. His case is that the village was a gift to his ancestors in 1812, by His Highness his ancestors had acquired a title as against the Mutt by

Highness Sri Krishnaraja Wadeyar Bahadur, that he and his brother the 3rd defendant had equal shares in it - and that it was wrongfully delivered to the possession of the 2nd defendant under the orders of the 1st defendant.

The first defendant pleaded that the suit was not maintainable against the Government, that the village was granted to the Mutt as Devadaya and was resumed by Government as it was in the unauthorised enjoyment of Sidda Wader and had been alienated, and that it was delivered to the 2nd defendant as the Government had reasons to believe that the village belonged to Hunsamaranhalli Mutt. The 2nd defendant's defence was practically the same in these matters, and it is unnecessary to consider the other pleas urged in the case for the purposes of this appeal.

The learned Subordinate Judge who tried the suit dismissed it on thr grounds that no suit was maintainable against the Government for any tortious act and - that there was no cause of action against the 2nd - defendant. He also held that the suit was barred by limitation as the suit was not filed within six months after the passing of the order by Government as required by the Muzrai Regulation and that the Inam being for a Mutt, the settlement made by the Inam Commissioner could not be questioned. The present appeal is preferred - against that decision.

The learned Subordinate Judge is obciously in er-

ror

error in holding that the Muzrai Regulation (VI of 1913) applies to the facts of the present case. The Muzrai Regulation VI of 1913 received the assent of His Highness the Maharaja on the 11th of October 1913 and came into force on the 1st January 1914. The Jodi village of Kempalingapura was resumed by Government in March - 1906 and was subsequently restored in September 1906 to the Hunsamaranhalli Mutt. Thus the dispossession took place more than 7 years before the Regulation itself - came into force, and the present case cannot be held to be govered by the provisions of the Regulation.

On the facts, the decision of the learned Subordinate Judge seems to us to be correct. From the ad-interim title-deed (Exhibit I) granted as early as 1875 it is clear that the Inam was confirmed as one to the - Mutt. It was finally confirmed in 1899 as Devadaya to the Mutt, by the Inam Commissioner. (Vide Exhibit XXII) These facts are not disputed by the learned counsel for the appellant. No appeal seems to have been preferred against the decision of the Inam Commissioner to the - Government. Under Rule XXI of the Inam Rules which - have the force of Law, after settlement has been once - made by the Inam Commissioner according to the Rules, - it is not competent for any Judicial Courts in the State to question the validity of the settlement. This suit is one based upon title and the Plaintiff must establish his title before he can obtain possession. The Inam - Title-Deeds granted in 1875 and 1899 show that the Inam was not personal to the Plaintiff's ancestors, but was a Devadaya Inam to the Mutt. Whether the Plaintiff and his ancestors had acquired a title as against the Mutt

by

by adverse possession is not question which the Courts can decide in this case. So far as the Civil Courts are concerned the settlement disposed of this question, and the cannot question the validity of the settlement with the Mutt. We cannot therefore, hold that the - Hunsamaranahalli Mutt is not the Inamdar, but that the - Plaintiff is the Inamdar. The Plaintiff cannot therefore be held to have proved his title to the village; and he is not, therefore, entitled to succed.

In the result, this appeal is dismissed with costs.

Sd/- D. K. RAMA RAO,
Judge.

Sd/- G. SREENIVASA IYER.
Judge.

Copy.

Government Advocate.

APF F. VI. Gl.]

SUBJECT.....

.....

.....

Section Forest

File No. 150 . 27

Seria No. 2

Diary No. of letter replied to.....

No. 1850

General and Revenue Secretariat

( )

the *192*

To The Asst Asst

Sir,

Date of issue 23/12/27

Signed by M. Venkatesa Iyengar

Adverting to your letter no. 393 of 30th Nov. 1927 forwarding a copy of judgment in R. A. no. 155 of 1923-4 on the file of the chief court of Mysore (Siddappaji Vader vs the Govt of Mysore), I am directed to request to be informed what was the cost to Govt on account of this case, and what action is to be taken to recover the cost from the appellant.

over

List of enclosures.....

Copied by.....

Examined by.....

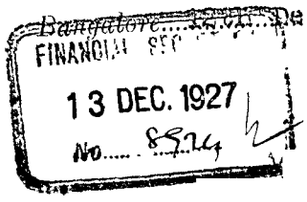
D.A. Asst. Sec

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

y please refer to

Tel. Add
"JURIST," Bangalore.

Bangalore, 12th December 1927.



14
MUZRAI
D. F. C.
Rec. 180-27.

FROM

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Financial Department, (MUZRAI),
Bangalore.

SIR,

In continuation of this office letter No. 393, dated the 30th November 1927, I have the honor to forward herewith , for the sanction of Government, a Bill for Rs.300/- only, being my remuneration for professional services rendered on behalf of Government in - Regular Appeal No. 155 of 1923-24 (Sivappoje Wodeyar Versus. Government of Mysore) on the file of the Chief Court of Mysore. The amount claimed is what has been

allowed

allowed by the Court as Advocate's Fee in the case.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE .....Dr.

To

K. SHANKARANARAYANA RAO, Esq., M.A., B.L.,
Government Advocate in Mysore,
Bangalore.

My remuneration for professional services rendered on behalf of Government, in Regular Appeal No. 155 of 1923-24 on the file of the Chief Court of Mysore, -- (Sivapooje Wadeyar VS. Government of Mysore).

Rs. 300/-
(As per Decree)

Rupees THREE HUNDRED only.

E. & O. E.,

Contents Received.

BANGALORE,
30th November 1927.

GOVERNMENT ADVOCATE.

Countersigned for appearance only.

Chief Court of Mysore,
Bangalore, dated 5th December 1927.

Judge.

PP F. VI. Gl.]

SUBJECT.....

Diary No. of letter replied to.....

Section Mag

File No. 180-27

Seria No.

No. 1117

General and Revenue Secretariat

( )

the 192

To

..... The Govt. Agent .....

Sir,

Date of issue 11/1/28

Signed by B Ramanjan

Adverting to your letter no. 439 of 12.12.27 forwarding a Bill for Rs 300/- being your remuneration for professional Services rendered on behalf of Govt in R.A. no 155 of 1923-4 (Sinappa Vaden vs Govt of Mysore), I am directed to invite your attention to this office letter no. 1050 - Mag. 180-27 of 23.12.27 enquiring what action has been taken to recover the Court

List of enclosures.....

Copied by.....

Examined by.....

over

WD 0562—GPB—31,000—17-8-25

from the applicants and to request an
early reply thereto
State that your reply to
the letter can be received
by the undersigned

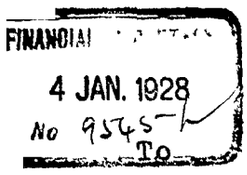
Thanking you

Yours faithfully,

9-1-78

No. C 492/23-24 Office of the Muzrai Commissioner for Mysore.
Two
Dated Bangalore, 25th December 1924.
30

From



The Muzrai Commissioner for Mysore,
Bangalore.

The Public Prosecutor,
Bangalore Division.

Sir,

In forwarding herewith copy of judgment passed by the Chief Court in Regular Appeal No.155 of 1923-24 on the file of that Court (Sivapooje Wadeyar Vs. The Government of Mysore) dismissing the appeal of Sivapooje Wadeyar with costs, I have the honor to state that the Government Advocate who was asked to take execution proceedings for the recovery of the amount of Rs.302/- paid to him towards his fees for conducting the case before the Lower Courts, has replied that as his attendance before the Lower courts is ~~xxxx~~ likely to interfere materially with his work before the Chief Court the work may be entrusted to you, I request therefore that necessary further action may kindly be taken in the matter of recovery of costs due to Government and the amount remitted to this office for adjustment.

The amount is easily recoverable since the appellant is reported to have furnished security for costs in pursuance of the order passed by the Chief Court as could be seen from Government Advocate's letter No.1020 dated 2th June 1925 copy of which is herein enclosed for reference.

Further particulars may ~~xxxxx~~ be had of the Government Advocate.

I have the honor to be,
Sir,
Your most obedient servant,
D 865 Amur 180 27-5
(Sd.) P. G. D'Souza,
Muzrai Commissioner.

-2- C 492/23-24 dt 30-12-27
Two

IV 5/1/28

Copy of the above is forwarded with compliments to the -----

the Financial Secretary to the Government of His Highness the ----
Maharaja of Mysore, with copy of Government Advocate's letter.

Muzrai Commissioner.

Letter No.1020 dated 25th June 1925 from the Government Advocate in Mysore to the Muzrai Commissioner in Mysore.

"With reference to your letter No.C.492/23-24 dated the 11th -- April 1925, on the above subject, I have the honor to state that the Appellant in the above case, furnished security for costs in pursuance of the order passed by the Chief Court on the 5th March 1924, and has got a Surety Bond executed in favour of the Court, by one Lingappa, son of Veerasangappa, residing at Honnagere, Anekal Taluk. The Amildar of the Taluk has also reported that the surety is solvent and the court has accepted the surety so furnished, on the 16th October 1924. The matter has been reported by me for the information of Government, with this office letter No.633 dated the 20th January 1925. The case is now posted for hearing to the 26th August 1925.

2. In this connection I should like to invite your attention -- once again to this office No.751 dated the 27th February 1925, and to request that the sum of Rs.2/- only (Rupees two only) mentioned therein (advanced from this office for filing the application for calling upon the Appellant to furnish security for costs) may be kindly arranged

arranged to be remitted to this office at a very early date. The matter may be kindly ~~kindly~~ treated as very urgent as this item is pending adjustment for a very long time and the account will have to be closed before the end of the present official year.

"C o p y"

M Ghaman Haq

for Muzrai Commissioner.

In the Chief Court of Mysore at Bangalore.

Saturday, the 22nd day of October 1927.

P r e s e n t

Mr. Justice D. K. Rama Rao,

and

Mr.Justice G. Sreenivasa Iyer.

Regular Appeal No.155/1923-24.

Sivapooje Wodeyar .... Plaintiff ..... Appellant.

VS

1. Government of Mysore, by the Chief Secretary
2. The Hunsamaranahalli Matt, by Agent Thontadhya

Defendants 1 and 2. ..... Respondents.

Regular appeal against the decree of the Sub ordinate Judge of Bangalore, in original suit No.77 of 1918-19.

This Regular Appeal coming on for final hearing on Tuesday the 27th day of September 1927, the court passed the following:

Judgment.

The Plaintiff filed this suit for possession after partition of half of the Jodi village of Kempalingapura in Devanahalli Taluk, and for Rs.1,500/- damages caused by the cutting of certain trees. His case is that the village was a gift to his ancestors in 1812, by His Highness Sri Krishnaraja Wadeyar Bahadur, that he and his brother the 3rd defendant had equal shares in it and that it was wrongfully delivered to the possession of the 2nd defendant under the orders of the 1st defendant.

The first defendant pleaded that the suit was not maintainable against the Government, that the village was granted to the -- Matt as Devadaya and was resumed by Government as it as in the -- unauthorised enjoyment of Sidda Wader and had been alienated, and that it was delivered to the 2nd defendant as the Government had -- reasons to believe that the village belonged to Hunsamaranhalli Matt. The 2nd defendant's defence was practically the same in these matters, and it is unnecessary to consider the other pleas urged in the case for the purposes of this appeal.

The learned Subordinate Judge who tried the suit dismissed it on

xx on the grounds that no suit was maintainable against the Government for any tortious act and that there was no cause of action against the 2nd defendant. He also held that the suit was barred by limitation as the suit was not filed within six months after the passing of the order by Government as required by the Muzrai Regulation and that the Inam being for a Matt, the settlement made by the Inam Commissioner could not be questioned. The present appeal is preferred against -- that decision.

The learned Subordinate Judge is obviously in error in holding that the Muzrai Regulation (VI of 1913) applies to the facts of the -- present case. The Muzrai Regulation VI of 1913 received the assent of His Highness the Maharaja on the 11th of October 1913 and came into -- force on the 1st January 1914. The jodi village of Kempalingapura was resumed by Government in March 1906 and was subsequently restored in -- September 1906 to the Hunsamarannalli Matt. Thus the dispossession took place more than 7 years before the Regulation itself came into force, and the present case cannot be held to be covered by the provisions of the Regulation.

On the facts, the decision of the learned Subordinate Judge --- seems to us to be correct. From the ad-interim title-deed (Exhibit 1) granted as early as 1875 it is clear that the Inam was confirmed as one to the Matt. It was finally confirmed in 1899 as Devadaya to the Matt, by the Inam Commissioner. (Vide Exhibit XVII) These facts are not -- disputed by the learned counsel for the appellant. No appeal seems to have been preferred against the decision of the Inam Commissioner to the Government. Under Rule XXI of the Inam Rules which have the force of Law, after settlement has been once made by the Inam Commissioner according to the Rules, it is not competent for any Judicial Courts in the State to question the validity of the settlement. This suit is one -- based upon title and the Plaintiff must establish his title before he can obtain possession. The Inam Title-Deeds granted in 1875 and 1899 show that the Inam was not personal to the Plaintiff's ancestors, but was a Devadaya Inam to the Matt. Whether the Plaintiff and his ancestors had acquired a title as against the Matt by adverse possession is not a-- question which the Courts can decide in this case. So far as the Civil Courts are concerned the settlement disposed of this question, and the

cannot question the validity of the settlement with the Matt. We cannot therefore, hold that the Hunsamaranahalli Matt is not the Inamdar, but that the Plaintiff is the Inamdar. The Plaintiff cannot therefore be held to have proved his title to the village, and he is not, therefore, entitled to succeed.

In the result, this appeal is dismissed with costs.

(Sd.) D.K. Rama Rao,
Judge.

(Sd.) G. Sreenivasa Iyer,
Judge.

"C o p y"

For Muzrai Commissioner.

In reply please refer to
No. 779

Tel Address.—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore 13th April 1928

GEN. & REV. SECRETARIAT
19
MUZRAI
D 1429
Aug. 15

FROM

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The Secretary to the Government
of H. H. The Maharaja of Mysore,
Financial Department, BANGALORE.

FINANCIAL SEC
18 APR. 1928
No. SIR, 1800

Re: Sivapooje Wodayar's Case.

With reference to your letter No.1698 dated the 30th March 1928, regarding the above, I have the honor to state that the only costs incurred before the Chief Court in the case are Rs.2/- being the amount spent for the purchase of stamp in connection with the application filed by me on behalf of Government for calling upon the Appellant to furnish security for costs. No other expense was incurred

2. A sum of Rs.300/- which was allowed as Advocate's

fee by the lower Court has been paid to me as per Government Order No.1091-3/Muz.175-26-2 dated 11-12-1926 and in respect of the fee now allowed by the Chief Court in the Appeal I have sent my Bill to Government - which is now pending payment.

3. Now that the case has already been disposed of, the decrees for costs in both the Courts will have to be executed against the party concerned before the Court of the District Judge and the Public Prosecutor, Bangalore may be instructed to take all necessary action.

I have the honor to be,
Sir,
Your most obedient servant,

GOVERNMENT ADVOCATE.

A, P. F. VI. G1]

SUBJECT.....

.....

.....

Section .....

File No. .....

Serial No. .....

Diary No. of letter replied to.....1429.....

No. .....

General and Revenue Secretariat

( )

To The Asst. Govt. Agent

the *192*

Sir,

Date of issue.....7-5-28.....

Signed by.....

Adverting to your letter no. C 492 of 20.12.27 forwarding copy of your letter to the P.O. Bandarawela requesting him to take necessary further action in the matter of the recovery of the costs due to you in Siyapuja Vidanaya's case, I am directed to forward herewith a copy of letter no. 779 of 18.4.28 from the

List of enclosures.....

Copied by .....

Examined by .....

over

W D 0325—PB—3000—26 5-27

in reply to the subject,
and to request to be
informed how the proceedings
of the Recovery of the
Cobb, now stands.

I have &c

W. Smith Secty.

Copy &c. J. S. with
Ref. to his letter no
779 of 18. 4. 28

B. O

W. Smith

87
1528

Dep. Asst. Secty.

FINANCIAL SECTION
16 MAY 1938
₹ 285-

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, ... 192 .

No. 492
23-4

FROM

D 1761

R. A. Narasimha Iyengar, B.A., B.L., F.R.A.S.,
The Muzrai Commissioner in Mysore.
(In Charge.)

Dmj/80

To

R. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Govt. of Mysore,
Religious & Muzrai Dept.,
Bangalore City.

SIR,

In continuation of this office letter No. 492/23-4, dated the 17th May 1938 re recovery of Court fee from Sri [illegible] I have the honor to state that [illegible] sum of Rs. 338-3-0 received from the Collector of [illegible] by me and returned for taking further action. The [illegible] has applied for an advance of Rs. 10/- [illegible] I solicit sanction of Government to [illegible] provision made under 13 course of [illegible] Advocates and other [illegible] to adjustment in due course.

I have the honor to be,

SIR,

Your most obedient servant,

R. A. Narasimha Aiyengar
Muzrai Commissioner.
(In Charge.)

G.R.S. App. F VI G-2]

SUBJECT..... .....

Application to be placed
Dfr will be placed
on the file

Diary No. of letter replied to.....

Sec
File No. 130
Serial No. 7

General and revenue Secretariat

( )

the *192* .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 1/6/29

Signed by Mr. T. H. Somerwell

Read—

Correspondence ending with letter no 492 Dy 16th May 29 from the M C in Mysore reporting that in the matter of the recovery of the costs in Sivajeje Wodayar's case, an execution petition for recovering a sum of ~~Rs~~ 338-3-0 received from the Public Prosecutor, has been signed by him and returned for taking further action, & that the P.P. has applied for an advance of ~~Rs~~ 10 to meet the incidental expenses and soliciting sanction

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Order Thereon No.

AB
AS
11/6

to meet the expr from the
provision made under "18
Courts of Law, "2 Law officers"
Fees to Advocates and other Law
charges" in the current years
budget, Subject to adjustment
in due course.

Order

Sanctioned with the modification that the
~~as the Budget provision indicated by~~
the M.C. has already
~~been fully spent, the~~
the amount of Rs 10/ will
be advanced from Govt.
Insp. fund, Subject to
adjustment in due
course.

(2) A further report after the actual
recovery of the court costs, should be
submitted for the information of Govt.

W/S 2-C Secty.

List of enclosure.

W
25/5

To
The M.C.
& Comptr

~~Copy to Asst~~

Copied by

Examined by

WD 0326—GPB—12,500—26-5 27

Correspondence ending with letter [illegible]
from the Kuzrai Commissioner in [illegible]
the recovery of the costs in [illegible]
tition for recovering a sum of [illegible]
Prosecutor, has been [illegible]
action and that the Public Prosecutor [illegible]
Rs. 10/- to meet the incidental expenses, [illegible]
meet the expenses from the provision [illegible]
2 Law Officers - fees to advocates [illegible]
ront year's budget, subject to [illegible]

Order No. 272 [illegible]

Dated, Ramnad, the 30th [illegible]

Sanctioned with the modification [illegible]
will be advanced from General [illegible]
course.

2. A further report after the [illegible]
should be submitted for the information of Government.

for Secretary to Government,
Agricultural Department.

To

The Kuzrai Commissioner in [illegible], Ramnad.
The Comptroller to the Government of [illegible].

.R.G.A.

G.R.S. App. F VI G-2]

SUBJECT .....

.....

.....

Diary No. of letter replied to 516

Sec. Revenue

File No. 180-27.

Serial No.

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue.... 1-12-31

Signed by.....

Read— G.O. No. 2723-4/Revenue 180-27-9 dated 1-6-29 sanctioning Rs 10/- to meet ~~the Executive Proceedings~~ incidental expenses for execution proceedings to recover Court Costs from Swapna Lodge in any shape the amount being treated as an advance from the Land Revenue Fund, subject to adjustment in due course

2. Letter No. 492/23-4 & 23-11-1931 from the Revenue Commissioner requesting sanction of Govt to advance a further sum of Rs 7/- to the Public Prosecutor Bangalore Dt to meet expenses in the case, from the same fund—

May this be

(i) Printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Order Thereon No. 7757

Sanctioned. The recovery of the Court Costs from the party shown expedited.

27.11.31

Revenue Secy to Govt.

The Revenue Commissioner

The Comptroller

The Public Prosecutor, Bangalore Dt

List of enclosure

Copied by

Examined by

WD 02560 -GPB —11,250--2-7-30

[Appendix F G—1]

SUBJECT .....

.....

.....

Section

File No

Serial No

Diary No. of letter replied to .....516.....

No

To

General and Revenue Secretariat

( )

the *193*

Date of issue .....9/4/32.....

Signed by

List of enclosures.

Copied by

Examined by

the period for which the
Subsistence allowance has
been deposited by the P.Pr
and to ~~that~~ upon that early action may have to be taken
~~that~~ to be taken to get
an attachment of the
Society's properties if any.

I have Etc

7/4/32

M See below

J Deputy

Q.S

Dt

No. 1427/Reg 9.4.32

To Pby to Public Prosecutor, Bangalore Dn

B.O.

7/4/32

for Dy